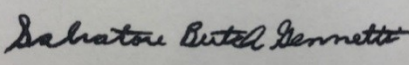



MALDEN POLICE DEPARTMENT USE OF FORCE POLICY

<p>Massachusetts police accreditation standards referenced: 1.2.2, 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6 a,b,c,d, 1.3.7, 1.3.8, 1.3.9 a,b,c,d,e,f, 1.3.10, 1.3.11 a,b,c, 1.3.12, 1.3.13, 16.3.6</p>	<p>GENERAL ORDER</p> <p>-----</p> <p>POLICY NUMBER:</p> <p>001</p>	
<p><u>Effective Date:</u> 01/02/2020</p> <p><u>Revised Date:</u> 06/17/20</p> <p>Total Pages: 27</p>	<p><i>ISSUING AUTHORITY</i></p> <hr style="width: 100%;"/> <p>Police Commissioner</p> <div style="background-color: #cccccc; padding: 5px; margin: 5px 0;">  </div> <p>Salvatore "Butch" Gennetti</p>	

I. GENERAL CONSIDERATION AND GUIDELINES

The Malden Police Department (MPD) places the highest value on the life and safety of its officers and on the protection of the public. Because of their law enforcement and peacekeeping role, a Malden Police Officer will be required at times to resort to the use of physical force to enable them to fully carry out their responsibilities. Police officers are confronted continually with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The degree of force used is dependent upon the facts surrounding the situation the officer faces. Only a reasonable and necessary amount of force may be used and is dependent upon the intensity of resistance or threat to safety that the situation presents.

The rationale for the use of force is to maintain and/or reestablish control over a situation. Control is reached when a person complies with the officer's directions and/or the suspect is restrained or apprehended and no longer presents a threat to the officer or another. Since an officer will encounter a wide range of behaviors, the officer must be prepared to utilize a range of force options that are reasonable and necessary to maintain and/or reestablish control by overcoming resistance to the officer's lawful authority while minimizing injuries.

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written directive can offer definitive answers to every situation in which the use of force might be appropriate. Rather, this directive will set certain specific guidelines and provide officers with a concrete basis on which to utilize sound judgment in making reasonable and prudent decisions.

II. DEFINITIONS

- A. **LETHAL FORCE.** Lethal Force as used in this policy is defined as that degree of force, which a reasonable and prudent officer would consider likely to cause death or serious physical injury. The use of a firearm is ALWAYS the use of lethal force. [1.3.2](#)
- B. **LESS LETHAL FORCE.** Less lethal force is that degree of force, which in the circumstances is neither likely nor intended to cause death or serious physical injury. It is usually employed as a defensive measure. Officers are trained and issued less lethal police equipment, OC, Expandable Baton, Taser, and K-9, to provide them with an advantage when fending off or subduing unarmed assailant.
- C. **SERIOUS PHYSICAL INJURY.** Serious physical injury is defined as any bodily injury, which creates a substantial risk of death; causes serious, permanent disfigurement; or results in extended loss or impairment of the function of any bodily member or organ.
- D. **PROBABLE CAUSE.** Probable cause for arrest exists if, at the time of the arrest, the facts known to the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.
- E. **REASONABLE BELIEF.** Reasonable belief exists when the facts or circumstances an officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. [1.3.2](#)
- F. **DEFENSIVE FORCE.** The necessary use of physical force to overcome violent resistance from an attacker, or to protect others from assault, injury or death.

III. POLICY

- A. All officers of the Malden Police Department shall use reasonable force when force is used to accomplish lawful objectives and effectively bring an incident under control. [1.3.1](#)

When time and totality of the circumstances permit, officers shall use de-escalation tactics in order to reduce the need for force.

Examples include:

The use of verbal advisements, warnings and persuasion.

Attempts to slow down or stabilize the situation so that more time, options and resources are available. Mitigating the immediacy of the threat gives officers more time to call additional officers or specialty units and to use other resources. The number of officers on scene may make force options available and may help reduce overall force used.

Officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or is caused by inability to comply. Such considerations, when time and circumstances reasonably permit, should then be considered when planning a response.

- B. Members of this department may use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury. Officers may also use lethal force to prevent the escape and effect the arrest of an individual whom the officer has probable cause to believe has committed a felony involving the use, attempted use or threatened use of lethal force and whom the officer reasonably believes will cause death or serious physical injury if apprehension is delayed. [1.2.2](#), [1.3.2](#)
- C. In each individual instance, lawful and proper force is restricted to only that force necessary to control and terminate unlawful resistance and to prevent any further physical attack against the police officers or any other person. This would include lethal or less lethal force, with lethal and less-lethal weapons, or weapons of opportunity to terminate unlawful resistance and to prevent any further physical attack upon the officers or any other person.

Any officer present and observing another officer using force that is clearly beyond what is objectively reasonable under the circumstances shall, when in a position to do so, intercede and prevent the use of unreasonable force.

- D. This policy requires strict adherence by all personnel including but not limited to all sworn full-time permanent police officers, retired special police officers and animal control officers.

IV. CONTINUUM OF FORCE

- A. The amount and degree of force, which may be employed, will be determined by the surrounding circumstances including, but not limited to:

1. The nature of the offense.
 2. The behavior of the subject against who force is to be used.
 3. Actions by third parties who may be present.
 4. Physical odds against the officer.
 5. The feasibility or availability of alternative actions.
- B. When an officer determines that the use of force is necessary, he shall, to the extent possible, utilize the appropriate level of force as determined by the particular needs of the situation.
- C. The preferred means of using force are set forth below in ascending order from least severe to the most drastic measures. An officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe application of force, except where the officer reasonably believes that lesser means would not be adequate in a particular situation and the use of force is necessary to accomplish his lawful objective or to protect himself or another from serious physical injury or death.
1. **VERBALIZATION.** Verbalization is defined as verbal persuasion, by way of verbal commands, used by the officer in an attempt to defuse or deescalate the situation or inform a suspect that he is under arrest.
 2. **WEAPONLESS PHYSICAL FORCE.** Weaponless physical force techniques, including distraction techniques, are those techniques an officer feels necessary to use to effect "Take Down and Control Holds" by generally using their hands. [1.3.6 d](#)
Officers are prohibited from utilizing a choke hold, neck hold, and/or other restraint that restricts the flow of air by compressing the windpipe or the flow of blood through the carotid arteries.
 3. **CHEMICAL SUBSTANCE.** Department approved less lethal chemical substance when used to overcome resistance or an assault, or deter riotous or violent behavior.
 4. **LESS LETHAL IMPACT DEVICES.** The Department has approved the following Less Lethal Impact Devices when used as an impact instrument by the officer to defend themselves or another from the threat of serious physical injury. [1.3.4](#)
 - Expandable Baton (maximum length 22 inches)
 - Straight Baton
 - Sabre Red (Non-Flammable OC spray)

- Taser 7 (CEW)
- Remington Model 870 12-gauge pump shotgun with Lightfield Superstar LL
- Lightfield Nova-DR (12-gauge distraction round)
- 40MM Launcher (Defense Technology)
- 40 MM Exact Impact Round (Part # 6325)
- 40 MM Direct Impact Round Extended Range (Part # 6323LE)
- 40 MM Direct Impact Round OC (Part # 6320)
- 40 MM Ferret Round CS powder – Barricade Penetrating Projectile (Part # 1292)
- Defense Technology M-25 Low Roll II (distraction device)

5. **LETHAL FORCE/FIREARMS.** The use of ‘Lethal Force’ is the last option within the continuum of force and is only authorized in accordance with the guidelines established in this policy.

D. MPTC USE OF FORCE REFERENCE GUIDE

Perceived Circumstances

Perceived Subject Action (s)

Reasonable Officer Response (s)

The **Totality Triangle** © depicts the three elements which must be considered in determining whether an application of force was objectively reasonable.

Perceived Circumstances - the officer’s perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance / non-compliance from the subject; culminating in its identification on the Use of Force Model.

centered upon strategies designed to enhance the status of safety.

Tactical - the second level on the Use of Force Model, depicted by the color green. Here the officer perceives an increase in threat potential within the confrontational environment and tactical procedures are designated and deployed.

Volatile - the third level on the Use of Force Model utilizing the color yellow to indicate an activated level of alertness and threat potential. Here the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter.

Harmful - at this level on the Use of Force Model the color orange denotes an accelerated perception of threat directed upon the officer or others. In this regard the officer must deploy initial defensive force in the effort toward eventual subject compliance and control.

Lethal - the highest level on the Use of Force Model correlates to the most intense color in the Threat Perception Color Code®, red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.

Perceived Subject Action (s) Categories

Compliant - represents the vast majority of officer / citizen confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via cultural acceptance, verbalization skills, etc.

Resistant (Passive) - the preliminary level of citizen non-compliance. Here, the citizen, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort.

Resistant (Active) - the subject's non-compliance is increased in scope and / or intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.

Assaultive (Bodily Harm) - the officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would not result in the officer's or other's death or serious bodily harm.

Assaultive (Serious Bodily Harm / Death) - the officer's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death to the officer or others.

Officer Response (s) Categories

Cooperative Controls - include contemporary controls developed to preserve officer safety and security, including: communication skills, restraint applications (routine handcuffing), etc.

Contact Controls - includes resistant countermeasures designed to guide or direct the non-compliant subject. These “hands on” tactics would include the elbow / wrist grasp, Hand Rotation Position©, escort position, etc.

Compliance Techniques - includes resistant countermeasures designed to counter the subject’s enhanced degree of resistance. These tactics could include arm/wrist manipulation, balance displacement, physical restraint, arm bar take down, distraction techniques, O.C., Baton restraint & control, Taser Drive Stun, etc.

Defensive Tactics - includes assaultive countermeasures designed to cease the subject’s non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include weaponless strikes, Taser probe deployment, baton strikes, kicking techniques, “bean bag”, etc.

Deadly Force - includes assaultive countermeasures designed to cease an assault which is lethal or could cause great bodily harm on the officer or others. These tactics could include the use of a firearm, lethal strikes, etc.

V. PARAMETERS FOR THE USE OF LESS LETHAL FORCE

The application of less lethal force by a police officer in the performance of their duty will generally be limited to defensive situations where it is necessary;

- A. In self-defense, or defense of another, against unlawful violence or attack to his person or property; or **1.3.4**
- B. To preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicted injury. **1.3.4**
- C. To apprehend or subdue a person in a reasonable and balanced manner who resists arrest or lawful detention.

VI. PROCEDURES: LESS LETHAL FORCE

- A. Only issued or approved equipment will be carried on duty and used when applying any level of less lethal force. **1.3.4**
- B. Use of restraining devices is mandatory on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g., prisoner is handicapped, etc.). The mere placing of handcuffs on a detainee will not be construed to be a use of physical force. *Please note that the use of neck restraints or control techniques with a potential for serious injury are **not authorized.*** **1.3.4**

C. After any level of less lethal force is used, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when: **1.3.5**

1. That person has a visible injury; or
2. That person complains of injury or discomfort and requests medical attention.

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance (in accordance with departmental transportation procedures) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report.

D. The officer shall promptly notify his immediate supervisor of the incident.

E. The officer shall attempt to locate and identify all witnesses, documenting their statements.

F. The officer shall prepare and submit all required reports including a Departmental Use of Force Report. If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a separate report outlining his actions and observations in the incident. **1.3.6 a, b, c, d**

G. The Patrol Supervisor shall immediately respond to the scene of any incident where, as the result of the application of physical force, 1.) an officer is injured, or 2.) a detainee has a visible injury, or 3.) complains of injury or discomfort and requests medical attention, and he shall: **1.3.5, 1.3.6 b, c, d; 1.3.7; 1.3.13**

1. Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented. **1.3.5**
2. Ensure that the need for medical treatment for the detainee is properly evaluated and provided. **1.3.5**
3. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photographs, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

In the case of a Taser deployment or the deployment of any other less lethal impact munition, the Detective Unit must be notified and will handle the investigative services to include: photographs of the scene, photographs of the suspect, assist patrol with evidence collection to

include the Taser probes and any other items pertaining to the deployment of a less lethal impact munition (i.e. spent shell casing).

NOTE: A photograph showing no injury may be as important as one which shows injury.

4. Report the incident and his observations to the Officer in Charge (OIC).
5. Supervisors are required to file an After Action Report (AAR) whenever requested to do so by an officer superior to them. Additionally, supervisors are required to file an AAR when an officer was involved in a vehicle pursuit. An exception to this rule would only be if the supervisor was directly involved in the incident, which would require another superior officer to file the AAR. **1.3.6 a, b, c, d**
6. All Officers-in-Charge, subordinate supervisors and the Keeper of Records will conduct a review of all reports concerning each incident where less-lethal or lethal force has been utilized. **1.3.7**
7. The Keeper of Records shall also conduct an annual audit of all Use of Force Reports and After Action Reports (firearms, defensive weapons, pursuits etc.) which may indicate additional or improved training methods, policy modifications and or equipment upgrades.
1.3.7; 1.3.13

VII. LESS LETHAL WEAPONS 1.3.4

All officers shall be properly trained and certified when appropriate, in the use of any less lethal weapons (such as the chemical substances, expandable, straight or flexible baton, conducted energy weapon) before being authorized to carry such weapons. K-9 handlers are specially trained in the use and deployment of a K-9. **1.3.4, 1.3.10**

A. Chemical Substances (OC Spray)

1. Chemical substances may be used when physical force is necessary to:
 - a. Protect an officer or other person from an assault;
 - b. Subdue a person who resists arrest; or
 - c. Control persons engaged in riotous or violent conduct.

2. It is preferred that chemical substances not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same end.

NOTE: No tactical advantage is realized by indiscriminate use of chemical substances or any less lethal weapon against non-combative persons.

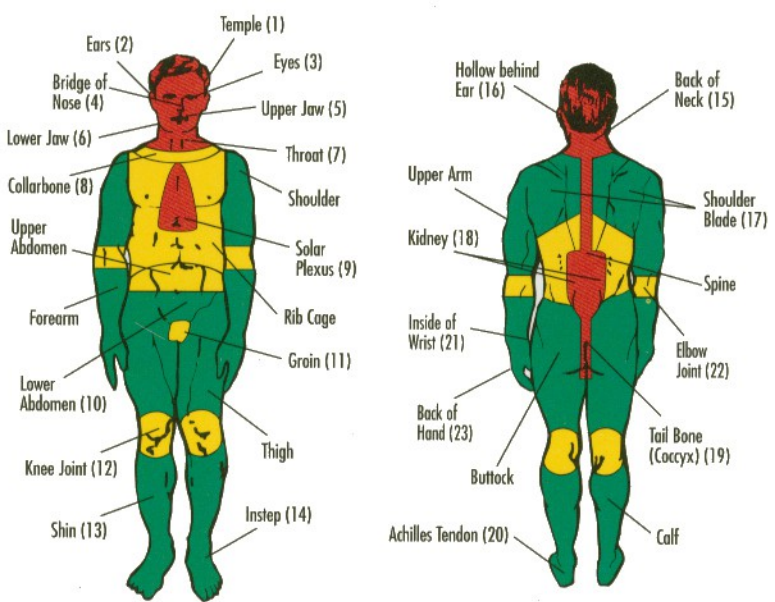
3. Chemical substances are not intended to be a substitute for other weapons in situations in which the use of other weapons is more appropriate.
4. The officer involved will file the appropriate reports, including a Departmental Use of Force Report, whenever a chemical substance is employed. **1.3.6 c, d**
5. When a chemical substance is used, first aid shall be administered as soon as practicable under the circumstances. Upon arrival at the station the subject shall be given the opportunity to wash with water. **1.3.5**

B. Police Batons: Expandable Baton and Straight Baton

1. The police expandable Baton or the straight baton may be used:
 - a. As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile;
 - b. As a defensive weapon to ward off blows;
 - c. As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject when all lesser means of applying defensive force have failed or would obviously be futile. An officer is justified in using this type of force under the following circumstances:
 - i. To overcome the violent resistance of an arrestee;
 - ii. To overcome an assault on an officer or a third party;
 - iii. To deter persons engaged in riotous or violent conduct.
2. Any time the police baton is used to strike a person or a subject is injured when applying a takedown or come-along hold medical treatment shall be provided and the appropriate reports must be completed. **1.3.5**

- For guidance on the use of the baton please refer to the MPTC/Monadnock chart below for appropriate striking areas and descriptions of “Green,” “Yellow,” and “Red” target areas.

MONADNOCK BATON CHART
Escalation Of Trauma By Vital And Vulnerable Striking Areas



S T R I K I N G

GREEN TARGET AREAS	YELLOW TARGET AREAS	RED TARGET AREAS
<p>REASONING: Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p><i>Except for the HEAD, NECK, and SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</i></p>	<p>REASONING: Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p>REASONING: Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

c. Conducted Energy Weapon (see CEW policy)

VIII. LETHAL FORCE: GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of the following section is to set forth guidelines for members of this Department in making decisions regarding the use of lethal force. The guidelines have been developed with serious consideration for the safety of both the police officers and the public, and with the knowledge that officers must sometimes make split second decisions in life and death situations.

The value of human life is immeasurable in our society. This Department places its highest value on the life and safety of its officers and the public. The Department's policies and procedures are designed to ensure that this value guides police officers in their use of lethal force.

The citizens of the Commonwealth have vested in their police officers the power to use lethal force in the exercise of their service to society. Police officers are allowed to use lethal force as a means of last resort to protect themselves and others from the immediate threat of death or serious physical injury. Even though all officers must be prepared to use lethal force when necessary, the basic responsibility of police officers to protect life also requires that the utmost restraint be exercised in its use and that officers exhaust all other reasonable means before resorting to the use of lethal force.

IX. PARAMETERS FOR THE USE OF LETHAL FORCE

A member of this Department is authorized to use lethal force only when there is no less drastic means available to:

- A. Defend himself or another from unlawful attack which he reasonably perceives as an immediate threat of death or serious physical injury;

OR

- B. Effect an arrest, only when:
 - 1. The arrest is for a felony; and
 - 2. The officer reasonably believes that:
 - a. The force employed creates no substantial risk of injury to innocent persons; and
 - b. The crime for which the arrest is made involved the use or attempted use, or threatened use of lethal force; and
 - c. There is substantial risk that the person to be arrested will cause death or serious physical injury if his apprehension is delayed.
- C. Where practical and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force. **Warning shots are strictly prohibited. 1.3.3**

X. DEALING WITH EMOTIONALLY DISTURBED PERSONS (EDP'S) OR PHYSICALLY DISABLED

- A. When an officer is dealing with individuals in enforcement and related contexts who are known or suspected to be mentally ill or physically disabled this could carry the potential for violence and requires an officer to make difficult and sometimes timely judgments about the mental and/or physical state and intent of the individual. Dealing with these individuals may require special police skills and abilities to effectively and legally deal with the person so as to avoid unnecessary violence and potential civil litigation. Given the sometimes unpredictable nature of the mentally ill and/or physically disabled, officers should never compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of mental and/or physical illness. In the context of enforcement and related activities, officers shall be guided by Massachusetts State Law and their appropriate levels of training regarding the detention of the mentally ill and /or physically disabled. Officers shall use this training to assist them in balancing whether a person's behavior is indicative of mental illness and dealing with the mentally ill and physically disabled in a constructive and humane manner while insuring officer and public safety.
- B. Should the officer determine that an individual may be mentally ill and/or physically disabled and a potential threat to himself, the officer, or others, or may otherwise require law enforcement intervention for humanitarian reasons the following responses may be taken, bearing in mind officer safety is most important.
- Request a backup officer, and always do so in cases where the individual will be taken into custody.
 - Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation.
 - Move slowly and do not excite the disturbed person. Provide reassurance that the police are there to help and that he will be provided with appropriate care.
 - Communicate with the individual in an attempt to determine what is bothering him. Relate your concern for his feelings and allow him to ventilate his feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.
 - Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.
 - Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.

- Always attempt to be truthful. If the subject becomes aware of a deception, he may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.

- C. The following are points for officers to remember when dealing with the mentally ill and physically disabled:

While the force continuum does not change due to a subject's mental or physical status, officers should take this status into account [where the status is known] in their approach of the subject in an effort to de-escalate the possibility of a violent outburst by the subject.

Once a mentally disturbed, emotionally disturbed or physically disabled person has been controlled, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's mental, emotional or physical status.

As with any use of force, officers should always provide an immediate medical response to individuals who are exhibiting signs or complaining of injury or illness following a use of force.

XI. FIREARMS PROCEDURES

- A. Police Officers receive academy and annual in-service firearms training prior to being issued firearms for self-protection and for the protection of the public.
- B. A police officer is authorized to use a firearm to:
1. Protect himself or others from what he reasonably believes to be an immediate threat of death or serious physical injury; or
 2. To prevent the escape and effect the arrest of an individual whom the officer has probable cause to believe has committed a felony involving the use, attempted use or threatened use of lethal force and whom the officer reasonably believes will cause death or serious physical injury if apprehension is delayed, in accordance with the conditions set forth in Section IX, "Parameters for the Use of Deadly Force."
- C. In the event that the use of Lethal Force becomes necessary, the officer shall immediately render appropriate medical aid for that person upon whom the force was used, activate the EMS System and arrange for transportation to the hospital for further treatment as necessary. **1.3.5**

NOTE: Any person requesting and/or deemed in need of

immediate medical attention shall be transported by ambulance (in accordance with departmental transportation procedures) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report. **1.3.5**

1. The officer shall promptly notify his immediate supervisor of the incident who shall respond and take control of the initial investigation.
2. The officer shall prepare and submit all required reports including a Departmental Use of Force Report. If more than one officer is involved in a lethal force incident, each officer shall complete a separate report outlining his actions and observations in the incident. **1.3.6 a, b, c, d**
3. Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented. **1.3.5**
4. Ensure that the need for medical treatment for the detainee is properly evaluated and provided. **1.3.5**
5. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photographs, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

NOTE: A photograph showing no injury may be as important as one which shows injury.

6. The supervisor will file a report on the incident and his observations with the Officer in Charge (OIC). **1.3.6 a**

D. A police officer may discharge an issued Department weapon under the following circumstances:

1. At an approved firearms range for authorized training, target practice or competition, with weapons authorized by the Department.
2. To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options shall be exhausted, however, before shooting the animal.
 - a. Officers who find it necessary to discharge firearms in this situation shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.

- b. Where feasible, children should not be present.
- c. It will not be necessary to complete a Use of Force Report when a badly injured animal is destroyed. However, the officer shall submit an Incident Report according to current departmental procedures. **1.3.6 b**

E. Warning Shots

Because of the danger of unintentional death or injury, warning shots are strictly prohibited. 1.3.3

F. Signaling Devices

Firearms shall not be used as signaling devices or to summon assistance. **1.3.3**

G. Moving Vehicles [See also Vehicular Pursuit Policy]

1. Officers shall not discharge a firearm from inside any moving vehicle.
2. Discharging a firearm at a moving vehicle by an officer is prohibited, except to defend themselves or another when the occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious physical injury to themselves or another, and the officer reasonably believes that they will not endanger innocent persons.

NOTE: Therefore, shooting at a fleeing vehicle or a vehicle that is going away from the officer and is no longer an immediate threat is prohibited. Under such circumstances, officers should be aware of the potential inability of a bullet to penetrate the metal or glass surfaces of an automobile and the likelihood of ricocheting bullets causing injury to innocent persons.

3. Firing strictly to disable a vehicle is prohibited.
4. In every incident, the officer shall take into account the location of vehicular and pedestrian traffic and the potential hazard to innocent persons.
5. Firearms shall not be utilized when the circumstances do not provide a high probability of stopping or striking the intended target, or when there is substantial risk to the safety of other persons, including risks associated with vehicle accidents.

6. Every precaution shall be taken to ensure the safety of the general public in the vicinity.

H. Drawing or Displaying

An officer shall avoid the unnecessary display of firearms and not draw a firearm except when there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the officer should carry their firearm in a position that will facilitate its speedy, effective, and safe use. Officers shall not point firearms at persons in circumstances, which are clearly unjustifiable. In the event it is necessary to point a firearm at a subject, officers shall note justification for the use of force within a Use of Force report.

I. Permissible Weapons and Ammunition

1. Only weapons and ammunition authorized by the Malden Police Department will be used by agency personnel in the performance of their responsibilities (listed in “Appendix A” of this policy) while on duty. **1.3.9 a, b**
 - a. The authorized issued weapon for the members of the Malden Police Department shall be the 40 Caliber Glock, model 22 (large frame). **1.3.9 a**
 - b. The authorized issued ammunition shall be 180 grain Speer Gold Dot. **1.3.9 b**

NOTE: Officers shall carry their issued weapon while on duty unless authorized by the Chief of Police to carry a different weapon. If an officer receives authorization from the Chief of Police to carry a different weapon they must qualify with that weapon annually.

2. An officer shall not alter or modify his firearm or ammunition in any way without the express permission of the Chief of Police or his designee, or the Officer in Charge of the Special Operations Unit.

NOTE: Under Massachusetts General Laws, a police officer is authorized to carry an issued or authorized firearm at all times when on duty and may carry such firearm while off duty within the Commonwealth of Massachusetts. If an officer elects to carry their duty weapon while off duty, they must also carry their official police identification.

- J. Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are properly stored, protected from loss, misuse, or theft. **1.3.9 f**

- K. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon, which malfunctions, shall be returned to the department Armorer forthwith for the necessary repairs. **1.3.9 d**
- L. Training and Qualification
1. All personnel authorized to carry a department issued weapon shall qualify with their issued weapon and any other weapon they are authorized to carry while on duty at least annually. **1.3.10, 1.3.11 a; 16.3.6**
 2. All approved lethal weapons and CEW proficiency qualifications shall be under the direction of the department's Training Coordinator and certified Municipal Police Training Committee (MPTC) weapons and tactics instructors. **1.3.11 a; 16.3.6**
 3. Following a reasonable period of practice and training, all officers will be expected to qualify in accordance with the standards established by the MPTC.
 4. Only officers demonstrating proficiency in the use of department issued weapons will be authorized to carry or use those weapons. Officers who fail to qualify with any issued weapon or special weapon shall not be authorized to carry or use that weapon. **1.3.10; 1.3.11 a**
 5. Any officer who requires additional training instruction will be given reasonable amount of time to demonstrate proficiency while removed from line duty assignment and assigned to administrative duty. If it becomes necessary, the officer will be sent to remedial firearms training until such time as he/she successfully passes the MPTC qualification course. **1.3.11 c**
 6. Qualification and proficiency shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
 7. No member of this Department will be authorized to carry lethal or less lethal weapon until he has: **1.3.12; 16.3.6**
 - a. Been issued a copy of this Use of Force Policy, receives instruction and successfully passed a written examination on same (80% or above); and certify on the weapons system annually.
 - b. Qualified at the range with a minimum passing score of 80%.
 - c. Each member shall sign a receipt indicating that he/she has received a copy of this Malden Police Department Use of Force

Policy, which shall be maintained by the instructor and Training Coordinator. **1.3.12**

8. All weapons qualification records and officer's scores shall be documented and maintained by the Training Coordinator. **1.3.11 b**
9. Prior to the issuance of any weapons to an employee, the Department Armorer or Firearms Instructor shall review, inspect and approve each individual weapon. If any malfunctions or defects are found or if the weapon is found to be unsafe in any manner, the deficiency shall either be rectified or the weapon shall be returned to the manufacturer for a replacement weapon. **1.3.9 c, d**
10. The Designated Firearms Instructor shall maintain a log for each weapon that is owned by the Malden Police Department. This log should list the make, model, serial number that indicates that it is a safe weapon. A centralized file shall also be maintained by the Training Coordinator documenting the make, model and serial numbers of the issued duty weapons to each member of the department. **1.3.9 e**

M. **Off-Duty Weapon**

1. Any weapon that an officer carries on his person while off duty for protection or to enable him to take official action as a police officer (especially a weapon carried by an officer to and from an assigned tour of duty) excluding the officer's issued service weapon, will be considered an off duty weapon.
2. Any officer who desires to carry an off-duty weapon and be indemnified with that weapon must first submit a written request to the Chief of Police detailing a complete description of the firearm. **1.3.9 e**
3. If the Chief of Police approves the off-duty weapon, the officer must qualify with the weapon at the range, at least semiannually. **1.3.10**
4. The Department will not indemnify the use of officers off duty weapon, who has not qualified with that off-duty weapon, until such time as the officer has qualified. The officer may, however, carry his/her duty weapon while off duty (if he/she has qualified with it). **1.3.10**
5. All ammunition carried in an approved off-duty weapon must be of a type approved by the Chief of Police, **1.3.9 b**
6. Officers are reminded that their license to carry applies only to

Massachusetts. Carrying a firearm in or through any other state is subject to that state's laws and local ordinances. *(Note: H.R. 218 allows police officers & retired police officers to carry out of state with their police identification.)*

XII. SPECIAL WEAPONS

- A. When not carried in the locked container in the patrol vehicle, special weapons will only be issued, with the knowledge and permission of the Officer in Charge of the police station or the Officer in Charge of the Special Operations Unit, to officers who have qualified with them.
 - 1. All officers authorized to use any of the Department's special weapons, such as M4 carbine rifle, Taser 7, 40mm launcher and its munitions, 12 gauge less lethal munitions will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Municipal Police Training Committee (MPTC), the manufacturer, or the Department's Weapons and Tactics Instructor, at least annually. **1.3.9 a**
 - 2. A listing of all officers who have qualified with each special weapon will be maintained with the weapons and with the Training Coordinator.
- C. Special weapons may be selectively issued by the Officer in Charge of the police station or the Officer in Charge of the Special Operations Unit if, in his opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons in such circumstances shall use those weapons in accordance with the provisions of applicable departmental policies and procedures as well as any additional guidelines issued at the time.
- D. Prior to issuing any special weapon, the Officer in Charge of the police station or Officer in Charge of the Special Operations Unit shall inquire of any officer to whom he intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a police officer not to accept a special weapon unless he is qualified in its use.

XIII. ADMINISTRATIVE RELIEF FROM DUTY DUE TO THE USE OF LETHAL FORCE 1.3.8

- A. In every instance in which any employee acting in an official capacity uses lethal force and where such use of force results in death or serious bodily injury to another person, the following steps shall be taken:

1. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from line-duty assignment, pending an administrative review of the incident by a supervisor not directly involved in the incident or such other period of time as the Chief of Police deems necessary. **1.3.8**
 2. The involved employee will be given the opportunity to call his family as soon as possible to avoid the possibility of their learning about the incident through other than official sources, e.g., press, radio, television, etc.
 3. The employee shall not be allowed to talk to the press. All information regarding the incident will be disseminated through the Office of the Chief of Police or the Public Information Officer.
- B. Assignment to Administrative Leave status shall be with no loss of pay or benefits.
- C. Relief from duty with full pay and benefits is intended to serve two purposes:
1. To address the personal and emotional needs of an employee and his/her involvement in the use of lethal force which results in injury or death; and
 2. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- D. An employee so relieved from regular duty status and assigned to an Administrative Leave status shall remain on leave until the investigation is concluded and his emotional needs have been met. Officers on Administrative Leave shall assure their availability to the Department and/or State Police Investigators to assist, when necessary, in the investigation of the incident.
- E. Whenever an employee is involved in the use of lethal force incident that results in death or serious injury the Chief of Police or his designee will make arrangements for stress counseling. (Mass. State Police Employee Assistance Unit @ 781-821-5496 or MSP Headquarters @ 508-820-2121 or Boston Police Peer Support Unit 617-343-5175 Monday – Friday 8:00AM – 5:00PM (all other times 617-594-9091 ask to speak to the “on call peer counselor”) or any appropriate psychological assistance provider for the employee/officer and members of his or her immediate family, authorized by the Chief of Police.

XIV. DUTY TO REPORT USE OF WEAPONS OR THE APPLICATION OF PHYSICAL FORCE

The Use of Force Report shall be submitted by an officer, subject to any constitutional rights the officer may have, to their immediate supervisor whenever:

- A. An officer has used any lethal or non-lethal weapon or force in excess of what is necessary for compliant handcuffing.
- B. An officer has taken action that results in or is alleged to have resulted in an injury or death to another person.
- C. An officer has drawn and brandished a firearm or other weapon when dealing with a member of the public.
- D. An officer discharges a firearm, for other than training or proper use at an authorized pistol range.

All Use of Force reports shall be forwarded to the officer's immediate supervisor who shall review the matter and complete the evaluation section of the Use of Force report. In the event a supervisor is involved in the Use of Force incident, all reports shall be forwarded to the supervisor's commanding officer for review and evaluation.

APPENDIX- A

<u>Patrol Firearms</u>	<u>Type</u>	<u>Barrel Length</u>	<u>Caliber</u>	<u># of Magazines Issued</u>
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Glock 22 Gen 4	Pistol	5.5"	.40	3
Glock 23 Gen 4	Pistol	4.5"	.40	3

<u>Ammunition</u>	<u>Weight</u>	<u>Caliber</u>	<u>Use</u>
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Gold Dot	180 Grain GDHP	.40 Caliber	Duty Ammo Pistol
Hornady	62 Grain TAP Barrier	.223 caliber	Duty Ammo Rifle
Blazer	180 Grain TMJ	.40	Practice Ammo Pistol
American Eagle	180 Grain TMJ	.40	Practice Ammo Pistol
American Eagle	55 Grain TMJ	.223	Practice Ammo Rifle
Lightfield Less Lethal	12g 2 ¾	12 gauge	Less than Lethal Duty Ammo

Holsters

Patrol Division - Safariland Mid-Ride L Level III

Detectives - Safariland ALS concealment holster model 7377-283-411 (Glock 22)

Patrol Firearm - Safariland ALS concealment holster model 7377-83 (Glock 22)

SOU Only - Safariland Mid-Ride Level III Model 6360-832-131

Rifles

Bushmaster	MODEL XM15	M4	.223 Caliber	10" Barrel	SOU Only
Bushmaster	MODEL XM15-E25	M4	.223 Caliber	12" Barrel	Patrol Division
Windham Weaponry	WW-15	M4	.223 caliber	10" Barrel	Patrol/SOU

Shotguns

Remington Model 870 12 gauge pump Patrol Division Less Than Lethal

Oleoresin Capsicum --OC Spray

Sabre Red cone non-flammable 2,000,000 SHU's

Rifle Sights

EO Tech Holographic Model 512.A65

Rifle Lights

Insight M6X GLK Tactical Light and Laser and Streamlight TLR

Pistol Lights

Streamlight TLR-Is rail mounted tactical light for Glock 22 SOU Only

SOU Equipment

Ballistic Vests	Protech	Tactical Armor	Level III with rifle trauma plates
Tactical Helmets-	Protech	Delta 4	Level III
Body Bunker Ballistic Shields	Protech		Level III
Tactical Gas Mask	Avon		
Uniforms	5-11 Tact Lite		

SOU Special Weapons and Less Lethal Munitions

40MM Launcher (Defense Technology)

40 MM Exact Impact Round (Part # 6325)

40 MM Direct Impact Round Extended Range (Part # 6323LE)

40 MM Direct Impact Round OC (Part # 6320)

40 MM Ferret Round CS powder – Barricade Penetrating Projectile (Part # 1292)

Defense Technology M-25 Low Roll II (distraction device)

MALDEN POLICE DEPARTMENT
USE OF FORCE REPORT

Officer's Name _____ Badge # _____ Date of Report _____ Incident # _____

Defendant/Subject's Name _____

Date of Incident _____ Time of Incident _____ A.M. P.M.

Location of Incident _____ Indoor Outdoors

Describe weather & light conditions _____

Duty status at time of incident: On-Duty Off-Duty Uniformed Plain Clothes

Type of Force Used: Hands OC Spray Service Baton Taser Less-lethal Shotgun Firearm
 Other: _____

Firearm used: Department Issued Privately Owned

Make: _____ Model: _____ Serial # _____

If privately owned firearm, describe in the supplemental report the make, model, serial #, owner's name, address and type of ammunition used.

Reason for Use of Force:

- Effect Arrest Restrain for subject's own safety Other
 Self-defense Prevent violent forcible felony
 Defense of Others K-9 Bite

Reasons for Firearm discharge:

- Self-defense Accidental Discharge Preventing an Escape of a Felon
 Defense of Others Put down injured/dangerous animal

Was subject injured? YES NO If YES, describe injury and location of medical treatment:

Was officer injured? YES NO If YES, describe injury and location of medical treatment:

Describe injuries to any other persons or property damage resulting from use of force:

This report form is a one page form for all use of force incidents. Use a supplemental report form to complete this report, explain in specific detail the circumstances and events involved in this incident.

Submitted by: _____ Reviewed by: _____
Officer's Signature Patrol Supervisor/Shift Commander's Signature

**MALDEN POLICE DEPARTMENT
USE OF FORCE REPORT
EVALUATION SECTION**

Supervisor's Review and Comments:

Supervisor's signature _____ Badge # _____ Date _____

Shift Commander's Review and Comments:

Shift Commander's signature _____ Badge # _____ Date _____

Patrol Commander's Review and Comments:

Patrol Commander's signature _____ Badge # _____ Date _____